



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,052	11/12/1999	KELVIN RODERICK LAWRENCE	AT9-98-146	1180

7590

04/09/2002

PAUL D. HAYDON
PATENT ATTORNEY
6102 BROADWAY SUITE B2
SAN ANTONIO, TX 78209

EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 04/09/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PA

Office Action Summary

Application No.

09/439,052

Applicant(s)

LAWRENCE ET AL.

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In the amendment filed 02/25/02 in paper number 5, the following has occurred: Claims 1-21 have been canceled and claims 22-24 have been added. Now claims 22-24 are presented for examination.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-3 have been renumbered 22-24.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ballard** (U.S. Patent 5,987,457) in view of **Hajime Takamo and Terry Winograd** (Dynamic Bookmarks for the WWW) and further in view of **Sciammarella et al.** (U.S. Patent 5,886,698).

Regarding claims 22-24, **Ballard** teaches a method, system, and computer-usable medium having computer-executable instructions for search refinements comprising:

a). marking the retrieved documents as of interest or not of interest regarding whether a user's needs are met by search results, while the remaining unmarked are neutral (col. 2, lines 36-47);

Ballard does not explicitly teach that the search results return a list of URLs of interest.

However, **Hajime Takamo and Terry Winograd** teach a step wherein the search engine returns a list of URLs (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide a list of URLs in the search results as taught by **Hajime**

Takamo and Terry Winograd as it would allow the users to be able to directly access the documents.

b). **Ballard** further teaches creating a bookmark set (i.e., categorize documents as 'of interest' or 'not of interest') which includes said marked documents (i.e. URLs) 'of interest' or 'not of interest' (i.e., positive or negative markings) (col. 6, lines 39-42;);

c). **Ballard** further teaches submitting said bookmark set to a search engine (col. 6, lines 54-57); and

d). **Ballard** does not explicitly teach a step wherein repeating (a) – (c) as often as said user desires, to refine said search results to a manageable level.

However, **Sciammarella et al.** does teach a step wherein the user can repeat refining searches as often as said user desires, to refine said search results to a manageable level (Figs.2, 7A, and 7B; col. 6, lines 5-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the feature of repeating refining the search as taught by **Sciammarella et al.** because doing so would enable the user to obtain a more satisfactory result.

Response to Arguments

5. Applicant's arguments filed 02/25/02 have been fully considered by they are not deemed to be persuasive.

In the remarks, the applicant argues the following points:

(1) Fig. 1 originally did not include element 12; thus element 12 does not need to be added;

(2) marking URL's is distinct from Ballard's "categorizing at least one document." URL's are not mentioned by Ballard. Applicant's "positive or negative markings" are distinct from Ballard's "of interest or not of interest" categories. Applicants' submitting said bookmark set to a search engine" is distinct from Ballard's "the refined query phrase 68 is submitted to the search engine 30." Applicant's feature of repeating as often as a user desires, to refine search results to a manageable level is not mentioned by Ballard;

(3) Applicants states that Ballard or prior art does not teach repeating steps a-c as recite in claim 22-24.

6. As to point 1, the objection to Fig. 1, element 12 has been withdrawn by the Examiner.

As to point 2:

- When a user submits a search request via an Internet, a list of search results (i.e., URLs for the matched documents) is returned for review. Therefore Ballard's does not have to mention the URLs in particular.
- Ballard's refinement method required the user to provide feedback by marking the URLs whether are "of interest" or "not of interest". Terms such as, of

interest or not of interest, relevant or irrelevant, and desirable or not desirable are analogous and usually convey the same meanings as positive or negative. Ballard's categorization of the URLs (i.e., documents) by indicating whether a URL is "of interest" or "not of interest" in order to group the search results based on the user's needs is similar to Applicant's limitation of marking URL's positive or negative.

- Ballard's analysis module together with the search engine perform essentially equivalent functions as compared to the applicant's invention. Although, Ballard's does not submit a bookmark set to the search engine as claimed, it does send the bookmarks (URLs) to the analysis module to categorize the search results, formulate the refined search query, display to the users for approval and submit it to the search engine to perform another search. Hence, submitting a bookmark set to the search engine is inherent in Ballard's.
- Ballard's does not explicitly teach that the user can repeat the query as often as desires to refine search results to a manageable level. However, it specified that the search engine performs another search after the user indicates that the refined query phrase is ready to submitted for search. Hence, the users can repeat query refinement process as needed to achieve the desired result.

As to point 3:

Ballard's reference does teach the feature of repeating search refinements (col. 6, lines 50-57).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 6:30am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers